IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 34100 of 2006(H)

PETITIONER:

GLADIS VINCENT, W/O.VINCENT CHANDRADAS,
HOUSE NO.30/23, FATHIMA COLONY,
CHALIL, THALASSERY.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
THALASSERY POLICE STATION.

2. DEPUTY SUPERINTENDENT OF POLICE,
THALASSERY.

3. PETER, HOUSE NO.40/22,
FATHIMA COLONY, CHALIL, THALASSERY.

SUPPLEMENTAL RESPONDENT NO.4:

4. THALASSERY MUNICIPALITY, REP. BY ITS
SECRETARY, THALASSERY, KANNUR DISTRICT.

SUPPLEMENTAL 4TH RESPONDENT IS IMPLEADED AS PER ORDER DATED 15.1.2007 IN I.A.NO.591/2007.

BY ADV. SRI.A.RAJASIMHAN FOR R3
SRI.I.V.PRAMOD
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).34100/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PERMIT ISSUED BY THALASSERY MUNICIPALITY GRANTING PERMISSION TO THE PETITIONER TO CHANGE THE ROOF DATED 14.7.2006.

EXT.P2: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 13.12.2006.

EXT.P3: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 16.12.2006.

RESPONDENT'S EXHIBITS:

EXT.R3(1): COPY OF THE CAVEAT PETITION FILED BEFORE THE MUNSIFF'S COURT, THALASSERY.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.34100 OF 2006 (H)

Dated this the 19th day of March, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. It is submitted by the counsel for the 3rd respondent that he is a 60 year old man and he is not making any obstructions. While making the alteration as permitted by the Municipality, common wall of the 3rd respondent should not be destroyed. However, if the 3rd respondent or owner has got any objection, it is for them to get appropriate orders from the civil court or statutory authorities. In the absence of the civil court order, police protection should be granted for construction strictly as per the permit conditions without causing any damage to the common walls. If any damage is caused by the caveator,

petitioner alone will be liable for paying damages and repairing the damages. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007